

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-11314-PBS

ST. PAUL TRAVELERS, as successor in
interest to ATLANTIC MUTUAL
INSURANCE CO. Marine Division, subrogee
of IBEX LLC, and IBEX, LLC

Plaintiffs

v.

FAIRHAVEN SHIPYARD, INC., and A.I.
MARINE ADJUSTERS, INC., a member of
AMERICAN INTERNATIONAL GROUP,
INC.,

Defendants

FURTHER JOINT MOTION OF
PARTIES TO CONTINUE
R.26(a)(2)(B) EXPERT REPORTS
FILING

Now come both parties in the above-captioned case and move for a further continuance of the filing of their R.26(a)(2)(B) expert reports from Friday, September 16, 2005 to Friday, September 30, 2005, or at such later date as may be determined by United States Magistrate Judge Robert Collings. As good cause for their motion, the parties state as follows:

1. The parties began a mediation on Thursday, September 15, 2005 before mediator Nancy Serventi. After approximately 5 hours of mediation, a portion of the case was resolved (which will result in the dismissal of the plaintiff St. Paul Travelers). Significant progress was made on resolving the remainder of the case;

2. The parties believe in good faith that additional mediation will be able to resolve all remaining claims in the case, but additional documentation is also required, and is currently being secured. A further mediation will therefore be scheduled either the week of September 19, 2005, or alternatively the week of September 26, 2005.

3. For these reasons, the parties request that the filing of expert reports be deferred until September 30, 2005 until such time as further efforts to mediate and resolve the case can be undertaken; and

4. The parties have also agreed to consent to the referral of this case for trial to Magistrate Judge Robert Collings and the executed consent will be filed with the court forthwith.

As a final point, the defendant Fairhaven Shipyard respectfully wishes to advise the court that it was not its intention to waive its claim to a jury trial at the Pre-Trial Conference conducted on Friday, September 9, 2005. To the extent that counsel may have stated before the court that the case was jury-waived, that statement was inadvertent and was not intended as a waiver of his jury claim.

WHEREFORE all parties respectfully request that this Honorable Court grant their motion and enlarge the deadline for filing of R.26(a)(2)(B) expert reports from September 16, 2005 to Friday, September 30, 2005.

Respectfully submitted,

Plaintiffs,

ST. PAUL TRAVELERS as successor in
interest to ATLANTIC MUTUAL
INSURANCE CO. Marine Division, subrogee
of IBEX LLC, and IBEX, LLC

By their attorney,

/s/ William Hewig III
William Hewig, III (BBO# 541910)
Kopelman and Paige, P.C.
31 St. James Avenue
Boston, MA 02116
(617) 556-0007

Defendant,

FAIRHAVEN SHIPYARD, INC.

By its attorney,

/s/ John F. Leahy
John F. Leahy, Esq. (BBO # 289860)
Long & Holden
100 Summer Street
Boston, MA 02110